



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91802-1460

May 22, 2003

IN REPLY PLEASE  
REFER TO FILE: **MP-5**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF INTENTION TO VACATE  
A PORTION OF HUMPHREYS AVENUE - EAST LOS ANGELES  
FUTURE PUBLIC HEARING  
SUPERVISORIAL DISTRICT 1  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the enclosed Resolution of Intention to Vacate with Reservations, Humphreys Avenue north of 3rd Street, in the unincorporated County area known as East Los Angeles, pursuant to Section 8320, et seq., of the California Streets and Highways Code.
2. Set the matter for hearing not less than 15 days from the adoption of the Resolution pursuant to Section 8320 of the California Streets and Highways Code.
3. Instruct the Executive Officer of the Board to publish the enclosed Notice of Proposed Vacation pursuant to Section 8322 of the California Streets and Highways Code.

**AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:**

Adopt the enclosed Resolution to Vacate with Reservations on the date of the hearing, pursuant to Section 8324 of the California Streets and Highways Code, after finding that:

1. The vacation is categorically exempt from the provisions of the California Environmental Quality Act.
2. The area proposed to be vacated is no longer needed for present or prospective public use, including bicycle paths and trails.
3. The public convenience and necessity require the reservation and exception of easements and rights as set forth in Section 8340 of the California Streets and Highways Code.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Mr. Tom Salata, trustee of the Serbian United Benevolent Society, owner of properties adjoining the proposed vacation area on the west, requested this vacation to remove from the record all public easement rights within those properties owned by the State, County, and the Serbian United Benevolent Society, encumbered with the road easement. The State has given their approval to vacate Humphreys Avenue. Mr. Salata proposes to close Humphreys Avenue to public use to prevent loitering, illegal dumping, vandalism, and problems associated with graffiti. In addition, he plans to extend the gravesite area to the area vacated.

Humphreys Avenue is not a through street, does not serve any other properties, and is not required for general public access, circulation, or for bicycle paths and trails. It is in the County's interest to vacate this portion of the roadway since it no longer serves the purpose for which it was dedicated, as access to residential properties. The vacation will not deny access to any properties or negatively impact the surrounding properties.

#### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the roadway will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

### **FISCAL IMPACT/FINANCING**

Vacation of the right of way will not have a negative fiscal impact on the County's budget. A fee of \$2,000 has been paid by the petitioner to defray the expenses of investigation, mailings, publication, and posting. The fee is authorized by your Board in Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 28,500 square feet and is shown on the map attached to each Resolution.

The County's interest was acquired by dedication on the map of Humphreys first Addition to Boyle Heights, recorded in Book 14, page 90 of Miscellaneous Records, on file in the office of the Recorder of the County of Los Angeles. The County is also holder of fee and easement by Relinquishment (Relinquishment of Highway Right of Way No. 564) from the State of California. The State of California is vested with fee title to a portion of the area proposed for vacation. Mr. Salata plans to acquire fee title to these properties.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest and terminate the public's right over a street or highway. Adoption by your Board of Public Works' recommendation terminates the rights of the public to the vacated area and disposes of excess County right of way. Your Action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

It is our recommendation that the vacation be conditioned upon the Serbian United Benevolent Society complying with the following:

1. Dedication of "Right to Restrict Vehicular Access" on 3rd Street.
2. Construction of a turn-around at the terminus of 2nd Street.
3. Removal of street characteristic at 3rd Street by constructing curb, gutter, sidewalk, and planting parkway tree(s).
4. Relocation of existing fire hydrant on Humphreys Avenue to 2nd Street.

These conditions must be complied with to the satisfaction of Public Works and the Fire Department before the vacation becomes final.

### **ENVIRONMENTAL DOCUMENTATION**

This proposed vacation is categorically exempt from the California Environmental Document Reporting Procedures and Guidelines, as specified in Class 21(a), of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of State CEQA Guidelines.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation of Humphreys Avenue is not in conflict with the County-Adopted General Plan and that the right of way is not suitable for bicycle paths and trails. Existing easement rights for utilities will be reserved to Southern California Edison Company, The Gas Company, Pacific Bell, and California Water Service Company and for sanitary sewers, appurtenant structures, and ingress and egress purposes to the County of Los Angeles.

### **CONCLUSION**

This action is in the County's best interest. Enclosed are a Resolution of Intention and a Resolution to Vacate with Reservations, approved as to form by County Counsel, vacating Humphreys Avenue north of 3rd Street. Upon adoption of the Resolution of Intention, please transmit two conformed copies of the Resolution and the Notice of Proposed Vacation to Public Works, which will post the Notice pursuant to Streets and Highways Code Section 8323. Upon adoption of the Resolution to Vacate with Reservations, please return one executed original, together with two conformed copies and a copy of the Board's minute order, for further processing. Public Works will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed copy for your files.

The Honorable Board of Supervisors  
May 22, 2003  
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One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

CVC:in  
P5:biHUMPHREYS

Enc.

cc: Chief Administrative Office  
County Counsel

## RESOLUTION OF INTENTION TO VACATE

WHEREAS, it is proposed that Humphreys Avenue north of 3rd Street be vacated as a County highway; and

WHEREAS, the proposed vacation has been approved by the Director of the County of Los Angeles Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, that it is the intention of said Board of Supervisors to order that the aforementioned easement legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference covering the right of way in the County of Los Angeles, State of California, be vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, commencing with Section 8320.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ a.m./p.m. of said day, is the day and hour, and the Hearing Room of the Board of Supervisors, 381 Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, is the place fixed by the Board of Supervisors when and where any and all persons having objections to the proposed vacation may appear before the said Board of Supervisors and show cause why said proposed vacation should not be made in accordance with this Resolution.

IT IS FURTHER ORDERED that a notice of such proposed vacation be conspicuously posted, along the line of the area proposed to be vacated in the manner and in the form required by law, and shall cause same to be published in \_\_\_\_\_ a newspaper of general circulation published in the County, for at least two successive weeks prior to the day fixed for the hearing.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopted and ordered by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

APPROVED AS TO FORM

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

**NOTICE OF PROPOSED VACATION OF HUMPHREYS AVENUE  
IN THE VICINITY OF EAST LOS ANGELES  
FIRST SUPERVISORIAL DISTRICT**

**NOTICE IS HEREBY GIVEN** that a Resolution of Intention was adopted by the Board of Supervisors of the County of Los Angeles on \_\_\_\_\_, 20\_\_\_\_\_, declaring its intention to vacate, with reservations, Humphreys Avenue, north of 3rd Street (East Los Angeles, California 90022) in the 1st Supervisorial District, as described in Exhibit "A," attached hereto and incorporated herein by reference.

A hearing on the proposed vacation will be held in the Hearing Room of the Board of Supervisors, 381 Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the hour of \_\_\_\_\_ a.m./p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, adopted \_\_\_\_\_, 20\_\_\_\_\_.

VIOLET VARONA-LUKENS, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

CVC:in  
P5:blHUMPHREYS

## **RESOLUTION TO VACATE WITH RESERVATIONS (CONDITIONAL)**

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, did on \_\_\_\_\_, 20\_\_\_\_\_, adopt the Resolution of Intention to Vacate as a public highway, Humphreys Avenue north of 3rd Street in the vicinity of East Los Angeles in the County of Los Angeles, State of California, legally described in Exhibit "A" and shown by map in Exhibit "B" attached to said Resolution; pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California commencing with Section 8320; and

WHEREAS, pursuant to said Resolution, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation \_\_\_\_\_, 20\_\_\_\_\_; and

WHEREAS, said Board of Supervisors has found and determined that, the area to be vacated is no longer necessary for present or prospective public use based upon the following facts: That the subject street right of way is not required for general public access, circulation, including bicycle paths and trails.

WHEREAS, the vacation is conditioned upon the applicant complying with the following:

1. Dedication of "Right to Restrict Vehicular Access" on 3rd Street;
2. Construction of a turn-around at the easterly terminus of 2nd Street;
3. Removal of street characteristic at intersection of 3rd Street and Humphreys Avenue by constructing curb, gutter, sidewalk and planting parkways tree(s).
4. Relocation of the fire hydrant located on Humphreys Avenue to 2nd Street.

The above conditions must be successfully met to the satisfaction of the County of Los Angeles Department of Public Works and County of Los Angeles Fire Department within five (5) years of the approval date by your Board or the vacation and abandonment will terminate and become null and void.



NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced right of way is hereby vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code, State of California, commencing with Section 8320; reserving and excepting therefrom easements and rights for utility facilities owned by Southern California Edison Company, The Gas Company, Pacific Bell, California Water Service Company, and for sanitary sewers, appurtenant structures and ingress and egress purposes to the County of Los Angeles, as set forth in Sections 8340 and 8341 of said Streets and Highways Code;

AND BE IT FURTHER RESOLVED that the County Los Angeles Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public street or highway.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, adopted by the Board of Supervisors of the County of Los Angeles, State of California.

VIOLET VARONA-LUKENS, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

CVC:in  
P5:biHUMPHREYS

## EXHIBIT "A"

HUMPHREYS AVENUE N/O THIRD STREET  
A.M.B. 5236-017  
T.G. 635-F6  
I.M. 114-217 (36-A2)  
First District  
M9588001  
DESCRIPTION

Those portions of HUMPHREYS AVENUE, 60 feet wide and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as described in Parcels 4 and 5 of Relinquishment of Highway Right of Way No. 564, a certified copy of which was recorded July 27, 1967, in Book R2796, pages 656 and 657, of Official Records in the Office of the Recorder of said county and that portion of HUMPHREYS AVENUE, 60 feet wide, as shown on and dedicated to the public use by map of Humphreys First Addition to Boyle Heights recorded in Book 14, page 90 of Miscellaneous Records in said recorders office which is bounded on the north by the south line of said Parcel 4 and bounded on the south by the north line of said Parcel 5.

EXCEPTING therefrom the southerly 10 feet of said above mentioned Parcel 5.

RESERVING to the Los Angeles County an easement for sanitary sewers, appurtenant structures and ingress and egress purposes in, on, over and across the above-described portion of HUMPHREYS AVENUE herein being vacated.

Also RESERVING easements and rights for utility purposes to Southern California Edison Company, The Gas Company, Pacific Bell and California Water Service Company in, on, over and across the above-described portion of HUMPHREYS AVENUE herein being vacated.

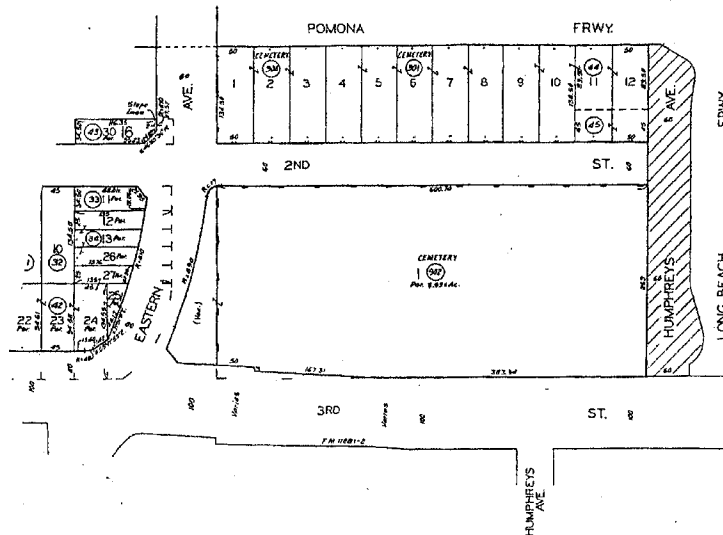
The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 28,500 + square feet

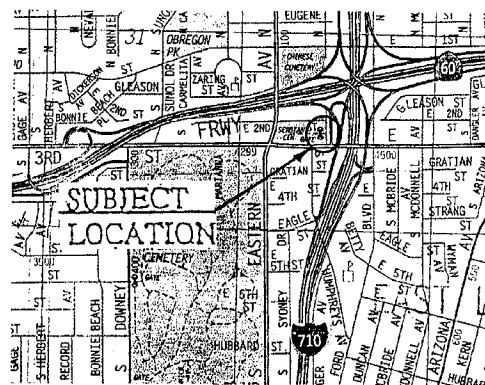
Description Approved


JAMES A. NOYES  
Director of Public Works

By \_\_\_\_\_  
Deputy



## EXHIBIT B



LEGEND						
PROPOSED VACATION						
 28,500± s.f.						
MPM FILE NO. M9988108				REVISION	1.	2.
S						3.
DEPARTMENT OF PUBLIC WORKS				MAPPING & PROPERTY MANAGEMENT DIVISION		
S.D. 1	R.D. 142	A.M.B. 5236-17	T.G. 635-F6	HUMPHREYS AVENUE N/O THIRD STREET		DRAWING NO.  M9588001
SCALE None		DATE 4/00	I.M. 36-A2			